

Message Text

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11

ACTION EA-10

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PA-02 USIA-15 PRS-01 SP-02 /058 W

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R 030702Z JUL 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 5087

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PASS TO L

E.O. 11652: NA

TAGS: EGEN, ECON, RP, US

SUBJECT: PRESIDENTIAL DECREE ON RESIDENTIAL AND LAND OWNERSHIP
BY US CITIZENS

REF: MANILA 7382

1. THE FOLLOWING IS VERBATIM TRANSCRIPT OF PRESIDENTIAL DECREE
NO. 713 ABOVE SUBJECT DATED MAY 27, 1975: TITLE: QUOTE ALLOWING
AMERICANS WHO WERE FORMERLY FILIPINO CITIZENS, AMERICANS WHO BECOME
PERMANENT RESIDENTS OF THE PHILIPPINES, AND AMERICANS WHO HAVE
RESIDED IN THE PHILIPPINES CONTINUOUSLY FOR AT LEAST TWENTY YEARS
AND WHO IN GOOD FAITH HAD ACQUIRED PRIVATE RESIDENTIAL LANDS FOR
FAMILY DWELLING PURPOSES IN THE PHILIPPINES PRIOR TO JULY 3, 1974
TO CONTINUE HOLDING SUCH LANDS AND TRANSFER OWNERSHIP OVER THE
SAME TO QUALIFIED PERSONS OR ENTITIES. UNQUOTE END TITLE.
BEGIN TEXT: QUOTE WHEREAS, DURING THE EFFECTIVITY OF THE
SO-CALLED QUOTE PARITY AMENDMENT UNQUOTE TO THE 1935 CONSTITUTION,
CITIZENS OF THE UNITED STATES WHO WERE FORMERLY FILIPINO CITIZENS
AND OTHER UNITED STATES CITIZENS WHO HAVE RESIDED IN THE
PHILIPPINES FOR A LONG PERIOD OF TIME OR WHO BECOME PERMANENT
RESIDENTS THEREOF HAD ACQUIRED PRIVATE RESIDENTIAL LANDS FOR
FAMILY DWELLING PURPOSES IN GOOD FAITH AND IN THE HONEST BELIEF
THAT THEY MAY CONTINUE HOLDING THE SAME EVEN AFTER THE EXPIRATION
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OF PARITY; PARA WHEREAS, UNDER SECTION 11, ARTICLE XVII, OF

THE NEW CONSTITUTION, THE TITLES OF AMERICAN CITIZENS OVER THEIR PRIVATE LANDHOLDINGS IN THE PHILIPPINES ACQUIRED PRIOR TO JULY 3, 1974, QUOTE SHALL BE VALID AS AGAINST OTHER PRIVATE PERSONS ONLY UNQUOTE; PARA WHEREAS, JUSTICE REQUIRES THAT THE GOVERNMENT SHOULD TREAT THESE AMERICAN OLD-TIMERS, THESE FORMER FILIPINO CITIZENS, AND THESE AMERICANS WHO BECOME PERMANENT RESIDENTS OF THE PHILIPPINES WITH SPECIAL CONSIDERATION AND COMPASSION. PARA NOW, THEREFORE, I, FERDINAND E. MARCOS, PRESIDENT OF THE PHILIPPINES, BY VIRTUE OF THE POWERS VESTED IN ME BY THE CONSTITUTION, DO HEREBY ORDER AND DECREE THE FOLLOWING: PARA SECTION 1. CITIZENS OF THE UNITED STATES OF AMERICA WHO WERE FORMERLY CITIZENS OF THE PHILIPPINES OR WHO ON THE DATE HEREOF HAVE RESIDENT IN THE PHILIPPINES CONTINUOUSLY FOR AT LEAST TWENTY (20) YEARS, AND WHO IN GOOD FAITH HAD ACQUIRED PRIVATE RESIDENTIAL LANDS IN THE PHILIPPINES NOT EXCEEDING FIVE THOUSAND (5,000) SQUARE METERS FOR A FAMILY DWELLING BEFORE THE EXPIRATION OF THE PHILIPPINE-UNITED STATES TRADE AGREEMENT ON MIDNIGHT JULY 3, 1974 MAY CONTINUE TO HOLD SUCH LANDS AND TO TRANSFER OWNERSHIP OVER SUCH LANDS TO QUALIFIED PERSONS OR ENTITIES. PARA THE SAME RIGHT IS HEREBY GRANTED TO THOSE CITIZENS OF THE UNITED STATES WHO BECOME PERMANENT RESIDENTS OF THE PHILIPPINES AND WHO ACQUIRED PRIVATE RESIDENTIAL LANDS IN THE PHILIPPINES OF NOT MORE THAN FIVE THOUSAND (5,000) SQUARE METERS FOR A FAMILY DWELLING. PARA SECTION 2. ALL LAWS, DECREES, ORDERS, POLICES, RULES AND REGULATIONS OR PART THEREOF INCONSISTENT HERewith ARE HEREBY REPEALED OR MODIFIED ACCORDINGLY. PARA SECTION 3. THIS DECREE SHALL TAKE EFFECT IMMEDIATELY. PARA DONE IN THE CITY OF MANILA, THIS 27TH DAY OF MAY, IN THE YEAR OF OUR LORD, NINETEEN HUNDRED AND SEVENTY-FIVE. UNQUOTE. END TEXT.

2. INITIAL REPORT OF DECREE OBTAINED BY EMB AND REPORTED IN REFTEL, INDICATED THAT DATE OF QUASHA DECISION WAS UTILIZED AS CUT-OFF DATE FOR GOOD FAITH PURCHASE OF RESIDENTIAL LAND BY AMERICANS. THIS WAS ERRONEOUS. DECREE AS PUBLISHED CLEARLY USES THE JULY 3, 1974 DATE AS THE CRUCIAL AND ONLY DATE WHICH IS RELEVANT TO THE GOOD FAITH OWNERSHIP ISSUE.

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